

## **II. Remarks/Arguments**

This Response is being made to the Office Action mailed 06/30/2006.

### **A. Formal Requirements:**

Applicant notes that he has complied with "all formal requirements" with respect to the pending application in accordance with 37 CFR 1.111(b) and MPEP § 707.07(a).

### **B. The Wrong Correspondence Address:**

A Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address ("POA") was filed by the Applicant on February 28, 2006 and entered by the USPTO on March 3, 2006. The POA indicates that Applicant has appointed the practitioners associated with the Customer Number 34026. However, the Office Action of June 30, 2006 was sent to the previous correspondence address that causes a delay for the practitioners to receive the Office Action and to respond. Therefore, it is requested that all going forward correspondence address related to this application been directed to the address associated with the Customer Number 34026.

### **C. The Objection of Specification:**

In the specification, paragraph 5 has been amended to correct a misspelled inventor name indicated by the Examiner.

### **D. The Rejection of Claims:**

In the Office Action, all pending claims 9-20 were rejected under 35 U.S.C. § 103(a).

Before commenting on the substance of the rejection, however, it is perhaps worthwhile to very briefly review the improved level lift trailer with detachable cargo that is the subject of this application. In a nutshell, Applicant believes that the subject level lift trailer with detachable cargo represents a significant advance in the art. A loaded cargo is usually carried over a hauling cargo bed which is mounted on a truck chassis frame. In order to do this, one can lift up the cargo onto the hauling bed. However, many designs have sought to ease this task. Lisota (U.S. Patent No. 2,485,300) uses a tilting and moving bed to load or unload a truck. Later, many refinements of this method are used to lift up large cargo containers on truck chassis. LaMora

(U.S. Patent No. 5,460,473) shows a system using a trailer to haul two containers in line. Alternately, Dixon (U.S. Patent No. 6,099,232) shows a smaller cargo bed loaded into a pick up truck. Although these methods are widely used today, they are not practical for unpacked cargoes, nor can they be used to load or unload live animals. Haven (U.S. Patent No. 2,230,014) describes a lifting/lowering trailer using a system of cams and links. Verschage (U.S. Patent No. 4,372,572) uses cams, links and hydraulic cylinders to lift heavy loads, such as fork lifts. Sobina (U.S. Patent No. 5,630,693) shows a design of a level lift trailer bed which is kept in alignment by inner sliding telescoping guides as it is lifted by hydraulic cylinders at each corner of the chassis. In each of these devices, the cargo or load carrying member is a permanent integral part of the trailer. Pihlstrom (U.S. Patent No. 4,930,799) adds versatility to the tiling frame trailer to interchange the cargo carrier, but the system can not lift a loaded cargo carrier.

As mentioned, each of these and the other intervening prior art patents cited by the Applicant to the Patent Office on his IDS show one or two improvements but relatively minor advances in the art. The level lift trailer with detachable cargo herein disclosed and claimed represent a leap ahead in the art. This level lift trailer with detachable cargo includes so many important innovations that it is a simple, reliable and heavy capacity level lifting trailer system capable of detaching from its cargo bed, or from an interchangeable bed. It is also safe and easy to transport live cargoes such as horses since a ground level loading and unloading removes the danger and risk of injury to these animals. Also, the feature of raising up and lowering down a trailer bed allows for an inexpensive single axle custom cargo bed to be used in a high theft potential areas even when the equipment must be left unattended for an extended period of time. This level lift trailer with detachable cargo is a tremendous advance, worthy and deserving a meaningful patent protection.

In that regard, the Examiner is respectfully requested to reconsider the rejections in light of the following remarks.

Claim 9 is rejected under 35 U.S.C. § 103(a) over Shiels (U.S. Patent No. 4,673,328) in view of Koller (U.S. Patent No. 5,059,085) and Harris (U.S. Patent No. 5,288,197). A *prima facie* case of obviousness requires that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2142. Because the combined Shiels,

Koller and Harris patents do not teach or suggest all the claim limitations of the rejected claims, Applicant, respectively traverses.

First, it must be pointed out that Applicant was well aware of the Shiels, Koller and Harris patents, and drafted the rejected claims with full knowledge of Shiels, Koller and Harris' disclosure. (*See*, page 2 of the original Specification filed on April 5, 2004 and the Information Disclosure Datement filed with the Preliminary Amendment on March 29, 2006). The claim language already distinguishes Shiels, Koller and Harris, and renders the claims at issue neither anticipated nor rendered obvious thereby.

Before analyzing the deficiencies in the teachings of the combined Shiels, Koller and Harris patents, a brief review of independent claim 9 is appropriate. Independent claim 9 claims a detachable level lifting trailer system comprising: a) a trailer, wherein said trailer comprises a framed structure with an open end and an open space in the center; b) a cargo bed sized to fit into said open space, said cargo bed comprises two side walls; and c) means for engaging said trailer and said cargo bed, said means for engaging includes a plurality of lifting rollers disposed to said framed structure of said trailer, a plurality of inclined channel tracks disposed to said side walls of said cargo bed, a plurality of horizontal channel extensions each coupled to one of said inclined channel tracks, and a horizontal pull hydraulic cylinder coupled to said trailer and said cargo bed for raising up said cargo bed to a transporting position and lowering down said cargo bed to a ground position, said inclined channel tracks and said horizontal channel extensions sized to receive and guide said lifting rollers.

The combined Shiels, Koller and Harris patents fail to teach or suggest each of the foregoing claim limitations. Accordingly, the rejection of claim 9 over Shiels in view of Koller and Harris is without merit.

Shiels teaches a lift/tilt-bed trailer that loads or unloads a bed without substantial change in the orientation of the trailer "U"-frame in which the bed is located. In relevant part, the Shiels patent teaches:

the apparatus of this invention may include a three-sided, substantially rectangular "U"-shaped frame, opposing ground wheels attached to the **outside** of the two parallel frame members without using a connecting axle joining them, a planar, rectangular bed adapted to fit essentially within the frame, two opposing pairs of track members pivotably located

on the **inside** of the two parallel frame members, one in the vicinity of the frame member defining the base of the "U" and the other toward the opening of the "U", ...

(Shiels col. 2, lines 52-63 (emphasis added).)

The above teachings in Shiels make clear that the apparatus taught in Shiels is fundamentally different than the apparatus claimed in claim 9. In particular, the apparatus of claim 9 consists of a means for engaging includes **a plurality of lifting rollers disposed to said framed structure** of said trailer. By contrast, in the apparatus disclosed in Shiels, **the bed translating members include roller wheels** adapted to roll inside of the track members. (Shiels col. 3, lines 2-4.) In particular, the apparatus of claim 9 consists of **a plurality of inclined channel tracks disposed to said side walls of said cargo bed**. By contrast, in the apparatus disclosed in Shiels, there is just no side wall on either the rectangular "U"-shaped frame or the planar rectangular bed, not to mention a plurality of inclined channel tracks disposed to said side walls of said cargo bed. Although Koller teaches side walls 5 attached to the platforms 6, 7 for added load control, (Koller col. 5, lines 33-36.) however, the apparatus taught in Koller is fundamentally different than the apparatus claimed in claim 9. Furthermore, there is no mention of channel tracks disposed to the side walls in Koller. In particular, the apparatus of claim 9 consists of **a plurality of horizontal channel extensions each coupled to one of said inclined channel tracks**. By contrast, in the apparatus disclosed in Shiels, there is just no mention of any **horizontal channel extension**, not to mention the configuration of them. In particular, the apparatus of claim 9 consists of **a horizontal pull hydraulic cylinder coupled to said trailer and said cargo bed**. By contrast, in the apparatus disclosed in Shiels, there is just no mention of any **hydraulic cylinder**. Although Harris teaches a hydraulic cylinder 52, with piston rod 54 is pivoted to the bight 18 **between the guide rail frame 40 and moving frame 44**, (Harris col. 4, lines 52-54) however, the apparatus taught in Harris is fundamentally different than the apparatus claimed in claim 9. Besides, Shiels was cited as a prior art in Harris patent where drawbacks of Shiels have been discussed. (Harris col. 1, lines 39-60) Harris is, therefore, teaching something away from Shiels. It would not be obvious to one of ordinary skill in the art to modify the trailer and cargo bed in Shiels with the additional hydraulic cylinder mentioned in Harris in order to make a new invention, not to mention the apparatus claimed in claim 9 since it is further different from this new invention.

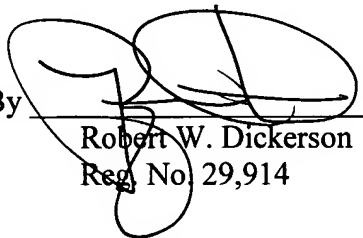
In view of the foregoing, the rejection of independent claim 9 over Shiels, Koller and Harris under 35 U.S.C. § 103(a) is without merit and should be withdrawn. Because independent claims 10 and 18 include the same limitations as those found in claim 9, they are similarly patentable over Shiels, Koller and Harris. In sum, all of the pending independent claims 9, 10 and 18 are patentable, and thus are the various claims depending from them.

WHEREFORE, Applicant respectfully requests that a Notice of Allowance of all pending claims be issued in this case. If the examiner believes a telephone interview would be helpful, such a call would be welcomed.

October 03, 2006

Respectfully submitted,

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